IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 141 (M/B) 2001
(Old No. 16248 of 1992)

M/s. Pant Nagar Seed Corporation,
Manpur, Nainital and
ten others ……..… Petitioners

Versus

State of U.P. through,
Secretary Food and Civil Supplies,
and seven others …… Respondents

Mr. Sudhir Gupta, Advocate for the petitioner.
Mr. K.P. Upadhyaya for the respondent,

Coram: Hon. S.H.Kapadia, C.J.,
Hon. Rajesh Tandon, J.

Dated: 02.09.2003:

PC:

Petitioners are engaged in the processing of seeds in accordance with the Seeds Act, 1966. At the relevant time, they were required to obtain a licence under U.P. Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1989. The petitioners are registered under the U.P.Seeds Certification Rules. In order to produce certified seeds, the petitioners procure seeds from Pant Nagar University and other Universities.

In this petition, the petitioners have contended that for certified seeds, they were no required to take licence under the Essential Commodities Act because certified seeds do not constitute grains. This point has now become academic in view of the Notification issued by the Central Government dated 15.2.2002 under which even if seeds are food grains licence is not required because for food grains licence is no more required. This position is not disputed by the learned standing counsel for the State. Hence, the writ petition is allowed in terms of prayer clause (a).

No order as to costs.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK: